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12 Attorneys for DICK/MORGANTI; DICK CORPORATION; THE MORGANTI GROUP, INC.;
 13 AMERICAN CASUALTY COMPANY OF READING, PA; and NATIONAL UNION FIRE
 14 INSURANCE COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

16 UNITED STATES of AMERICA for the Use
 17 and Benefit of WEBCOR CONSTRUCTION,
 18 INC. dba WEBCOR BUILDERS, and
 19 WEBCOR CONSTRUCTION, INC. dba
 20 WEBCOR BUILDERS,

Plaintiffs,

vs.

21 DICK/MORGANTI, a joint venture; DICK
 22 CORPORATION; THE MORGANTI
 23 GROUP; AMERICAN CASUALTY
 24 COMPANY OF READING, PA;
 25 NATIONAL UNION FIRE INSURANCE
 26 COMPANY OF PITTSBURGH, PA, and
 27 DOES 1 through 10, inclusive,

Defendants.

27 AND ALL RELATED COUNTER-CLAIMS
 28 AND THIRD PARTY COMPLAINTS.

Case No.: 3:07-CV-02564-CRB

**JOINT STIPULATION FOR
 CONTINUANCE OF HEARING ON
 MOTION TO DISMISS FOR FAILURE
 TO STATE A CLAIM AND MOTION
 FOR A MORE DEFINITE STATEMENT**

Judge: Hon. Charles R. Breyer

LAW OFFICES

**Peckar &
 Abramson**

A Professional Corporation

1
 JOINT STIPULATION AND REQUEST FOR CONTINUANCE OF HEARING AND
 HEARING FOR MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND
 MOTION FOR A MORE DEFINITE STATEMENT

Case No.:

3:07-CV-02564-CRB

1 IT IS HEREBY STIPULATED jointly by the parties hereto through their respective
2 counsel as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

7 ("Defendants") filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
8 Motion for a More Definite Statement ("Motions") in response to the Complaint filed by Plaintiff
9 United States of America for the use and benefit of Webcor Construction Inc. ("Plaintiff"); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and
11 was, per the parties' stipulation and the Court's February 29, 2008 Order, continued to April 18,
12 2008 at 10:00 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make
14 the Motions unnecessary and moot; and

15 4. Plaintiff's current deadline to file an opposition to the Defendants' Motions is
16 March 28, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
18 unnecessary and moot, and inform the Court of their final agreement on or before May 1, 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
21 the corresponding opposition and reply dates so that they may finalize their agreement regarding
22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
24 herewith which continues the hearing for the Motions from April 18, 2008 at 10:00 a.m. to **May**
25 **23, 2008 at 10:00 a.m.**

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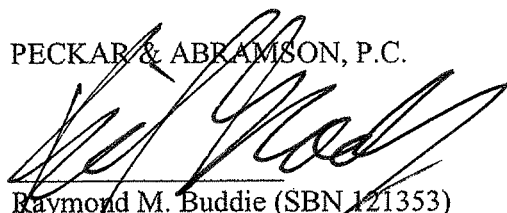
1 IT IS SO STIPULATED.

2 AGREED TO BY:

3
4 Dated: March 27, 2008.

PECKAR & ABRAMSON, P.C.

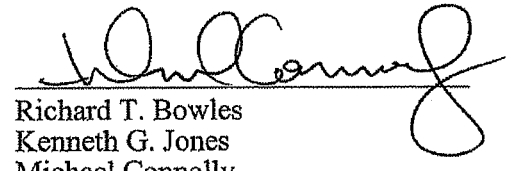
6 By:


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Rick W. Grady (SBN 235976)
Attorneys for Defendants
DICK/MORGANTI; DICK
CORPORATION; THE MORGANTI
GROUP, INC.; AMERICAN CASUALTY
COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

13 Dated: March 27, 2008.

BOWLES & VERNA LLP

15 By:


Richard T. Bowles
Kenneth G. Jones
Michael Connolly
Attorneys for Plaintiff, UNITED STATES
OF AMERICA for the Use and Benefit of
WEBCOR CONSTRUCTION, INC. DBA
WEBCOR BUILDERS